

JOHN R. BAILEY, Nevada Bar No. 0137
JOSEPH A. LIEBMAN, Nevada Bar No. 10125
JOSHUA P. GILMORE, Nevada Bar No. 11576
BAILEY❖KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302
Telephone: 702.562.8820
Facsimile: 702.562.8821
JBailey@BaileyKennedy.com
JLiebman@BaileyKennedy.com
JGilmore@BaileyKennedy.com

Attorneys for Appellant JEFFREY B. GUINN

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JEFFREY B. GUINN

Appellant,

vs.

CDR INVESTMENTS, LLC, a Nevada Limited Liability Company; DONNA A. RUTHE as trustee for the CHARLES L. RUTHE TRUST and on behalf of his Individual Retirement Account; DONNA A. RUTHE, in her representative capacity as trustee for the FRANK E. GRANIERI REVOCABLE LIVING TRUST

Respondents.

Case No. BK-S-13-18986-BTB
CHAPTER 7

Adversary No. BK-S-14-01007-BTB

Case No: 2:19-cv-00649-JAD

STIPULATION TO LIFT STAY OF APPEAL

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Appellant Jeffrey B. Guinn (“Appellant”), by and through his attorney of record, the law firm of Bailey❖Kennedy, and Respondents CDR Investments, LLC and Donna A. Ruthe, as trustee for the Charles L. Ruthe Trust and his individual retirement account and the Frank E. Granieri Revocable Trust (“Respondents”), by and through their attorneys of record, the law firm of Sylvester & Polednak, Ltd., hereby STIPULATE AND AGREE that:

- On March 31, 2019, the Bankruptcy Court issued its Memorandum Decision in Adversary Case No. BK-S-14-01007-BTB (the “Order”) [Dkt. # 365].

- On April 3, 2019, the Bankruptcy Court ordered briefing on pre- and post-judgment interest [Dkt. # 368].
- On April 12, 2019, Appellant filed its Notice of Appeal from the Order pursuant to Federal Rule of Bankruptcy Procedure 8002 (the “Appeal”) [Dkt. # 373].
- On April 22, 2019, pursuant to a Stipulation of the Parties, this Court stayed the Appeal pending the Bankruptcy Court’s ruling on pre- and post-judgment interest and the issuance of a final judgment [Dkt. # 390].
- On September 13, 2019, the Court issued its Order on Pre- and Post-Judgment Interest [Dkt. # 411].
- On September 13, 2019, the Bankruptcy Court issued a Judgment [Dkt. # 412].
- The Parties thereafter undertook further briefing with respect to an entitlement to costs under Rule 7054 of the Local Rules of Bankruptcy Practice.
- On January 9, 2020, the Bankruptcy Court issued its Order Re: Plaintiff’s Motion to Re-Tax Costs [Dkt. # 430].
- On January 14, 2020, the Bankruptcy Court issued an Amended Judgment incorporating the award of costs [Dkt. # 444].
- Now that all post-trial issues before the Bankruptcy Court have been resolved and a final judgment has been issued, Appellant and Respondents agree that this Court’s stay of the Appeal should be lifted to allow the Appeal to proceed.
- Appellant and Respondents thus stipulate and agree to lift the stay of the Appeal.

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➤ Further, all deadlines set forth in the Federal Rules of Bankruptcy Procedure, including the Designation of Record on Appeal and Statement of Issues required under Federal Rule of Bankruptcy Procedure 8009, will run from this Court’s Order lifting the stay on the Appeal.

DATED this 3rd day of February, 2020.
SYLVESTER & POLEDNAK, LTD.

DATED this 3rd day of February, 2020.
BAILEY ♦ KENNEDY

By /s/ Matthew T. Kneeland
Jeffrey R. Sylvester, Esq.
Matthew T. Kneeland, Esq.
1731 Village Center Circle
Las Vegas, NV 89134
Attorneys for Respondents

By /s/ Joseph A. Liebman
John R. Bailey, Esq.
Joseph A. Liebman, Esq.
Joshua P. Gilmore, Esq.
8984 Spanish Ridge Avenue
Las Vegas, NV 89148
Attorneys for Appellant

IT IS SO ORDERED.


UNITED STATES DISTRICT COURT JUDGE

DATED: 02/07/2020